

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
FREDERIC N. SMALKIN  
UNITED STATES DISTRICT JUDGE

101 W. LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-3840

March 7, 2003

LETTER TO COUNSEL AND SPECIAL MASTER PERCIVAL

Re: The Sherwin-Williams Co. v. ARTRA Group  
Civil No. S 91-2744

Dear Counsel and Professor Percival:

This will reply to Mr. Lutz's letter to me, dated March 5, 2003, concerning the fees of Special Master Percival, as earned to date.

I appreciate Mr. Lutz's concern, which I share. The complication, of course, in getting the Special Master compensated for his efforts to date is not so much the stay in this case, but the effect of the Bankruptcy stay ( and any reorganization plan) upon ARTRA's payment of its share of the Special Master's fee.

If Sherwin-Williams is in the position to pay its portion of the accrued fee, I see no reason why such payment should not now be made, and I would simply suggest that Professor Percival might wish to send his invoice to Mr. Lutz, with information copies to me and to counsel for ARTRA. (I do not think that merely sending an information copy to counsel for ARTRA could be viewed as a violation of the Bankruptcy stay on anyone's part, as it is not an attempt to collect a pre-petition debt, but merely to inform counsel of the partial payment of the fee.)

Of course, if Professor Percival does not wish to invoice for his services now, that is his prerogative, but I shall leave the choice up to him. As always, I deeply appreciate his willingness to serve in this case.

Sincerely,

/s/  
Frederic N. Smalkin  
Senior U.S. District Judge

FNS/neg

cc: Counsel

Special Master Percival

Court File